

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ABINGDON DIVISION

CLERK'S OFFICE U.S. DISTRICT COURT  
AT ABINGDON, VA  
FILED

APR 10 2025

LAURA A. AUSTIN, CLERK  
BY: *[Signature]*  
DEPUTY CLERK

KYMBERLY HOBBS,  
ADMINISTRATOR OF THE ESTATE  
OF CHARLES JAMES GIVENS,  
DECEASED,

Plaintiff,

v.

ANTHONY RAYMOND KELLY, et al.,

Defendants.

Case No. 1:23cv00003

VERDICT

We, the jury, unanimously find as follows:

**Liability: Excessive Force (Count I)**

1. Do you find that the plaintiff, Kymberly Hobbs, Administrator of the Estate of James Charles Givens, has proved by the greater weight of the evidence that defendant Anthony Kelly, Gregory Plummer, Joshua Jackson and/or William Montgomery used excessive force against Mr. Givens that caused his death?

**Answer "yes" or "no"**

As to Anthony Kelly : NO

As to Gregory Plummer: NO

As to Joshua Jackson: NO

As to William Montgomery: NO

**Liability: Failure to Intervene (Count II)**

2. Do you find that the plaintiff, Kymberly Hobbs, Administrator of the Estate of James Charles Givens has established by the greater weight of the evidence that defendant Samuel Osborne acted with deliberate indifference to Mr. Givens' serious medical needs that caused the death of Mr. Givens

Answer "yes" or "no" NO.

**Liability: Failure to Provide Medical Care (Count III)**

3. Do you find the plaintiff, Kymberly Hobbs, Administrator of the Estate of James Charles Givens has established by the greater weight of the evidence that defendant Anthony Kelly, Gregory Plummer, Joshua Jackson, William Montgomery, and/or Samuel Osborne failed to provide access to medical treatment to Mr. Givens that caused the death of Mr. Givens?

Answer "yes" or "no"

As to Anthony Kelly : NO

As to Gregory Plummer: NO

As to Joshua Jackson: NO

As to William Montgomery: NO

As to Samuel Osborne: NO

**Liability: Battery (Count V)**

4. Do you find the plaintiff, Kymberly Hobbs, Administrator of the Estate of James Charles Givens has established by the greater weight of the evidence that defendant Anthony Kelly, Gregory Plummer, Joshua Jackson and/or William Montgomery committed a battery that caused the death of Mr. Givens?

**Answer "yes" or "no"**

As to Anthony Kelly : NO

As to Gregory Plummer: NO

As to Joshua Jackson: NO

As to William Montgomery: NO

**Liability: Conspiracy (Count VI)**

5. Do you find the plaintiff, Kymberly Hobbs, Administrator of the Estate of James Charles Givens has established by a preponderance of the evidence that defendant Anthony Kelly, Gregory Plummer, Joshua Jackson, William Montgomery, and/or Samuel Osborne entered into a conspiracy.

**Answer "yes" or "no"**

As to Anthony Kelly : NO

As to Gregory Plummer: NO

As to Joshua Jackson: NO

As to William Montgomery: NO

As to Samuel Osborne: NO

**Liability: Gross Negligence (Count VII)**

6. Do you find that Defendant Osborne allowed the other defendants to abuse Mr. Givens, causing his death, and that Mr. Osborne was grossly negligent in doing so?

Answer "yes" or "no" NO

**Liability: Willful and Wanton Negligence (Count VIII)**

7. Do you find that Defendant Osborne allowed the other defendants to abuse Mr. Givens, causing his death, and that Mr. Osborne acted in a willful and wanton manner in doing so?

Answer "yes" or "no" NO

*If you answered "No" to Questions 1- 7, please turn to last page, where the Foreperson shall sign and date this form and return it to the court security officer.*

*If you answered "Yes" to any of the preceding questions, you must also answer the following questions concerning the amount of any damages to be awarded.*

**Damages**

8. If you find that defendants, or any of them, caused the death of the Mr. Givens, state the amount of money damages to be paid to Kymberly Hobbs, the sole beneficiary of Mr. Givens, as a result of his death:

\$ 0 for any sorrow, mental anguish, and loss of solace suffered by Kymberly Hobbs. Solace may include society, companionship, comfort, guidance, kindly offices, and advice of the decedent.

**Certification**

I certify that the foregoing responses represent the unanimous verdict of the jury empaneled to consider this matter.

4-10-2025  
DATE

REDACTED  
FOREPERSON'S SIGNATURE

REDACTED  
FOREPERSON'S PRINTED NAME